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8 THE WAVE STUDIO, LLC

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12  
13 THE WAVE STUDIO, LLC, a New York  
Limited Liability Corporation,

14 Plaintiff,

15 v.

16 MASTERCARD INTERNATIONAL, INC.,  
a Delaware corporation; VIRTUOSO, LTD.,  
17 a Delaware corporation; VISA INC., a  
California corporation, and DOES 1-100,

18 Defendants.  
19

Case No. 3:14-cv-01342-RS

**DECLARATION OF JUNIOR LEE IN  
SUPPORT OF PLAINTIFF'S  
OPPOSITION TO MOTION FOR  
TRANSFER OR, ALTERNATIVELY, TO  
STAY**

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21 I, Junior Lee, declare as follows:

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1           1.       I am owner, founder, Chief Executive Officer, and sole employee of The Wave  
2 Studio, LLC (“Wave Studio”). I make this declaration on behalf of Wave Studio in support of its  
3 Opposition To Defendants’ Motion To Transfer Or, Alternatively, To Stay. Except where  
4 otherwise indicated, this declaration is based upon my personal knowledge, and I could and  
5 would testify competently to the truth of the matters stated herein if called upon to do so.

6           2.       I am a photographer and through my company Wave Studio I am the copyright  
7 owner of all photographs at issue in this litigation. I formed Wave Studio in order to hold,  
8 manage, and control the U.S. intellectual property rights to my photographs including several  
9 copyright registrations. My photographs of hotels, travel destinations, and nature scenes are used  
10 in marketing materials throughout the world. The photographs of hotels and travel destinations at  
11 issue in this litigation (the “Hotel Photographs”) were captured in dozens of different cities and  
12 countries around the world. The Hotel Photographs are all registered with the United States  
13 Copyright Office.

14           3.       While Wave Studio maintains an office in White Plains, New York, all relevant  
15 documents and knowledge are in my possession in Singapore.

16           4.       I expect that I will be a witness at trial in this litigation. I will provide information  
17 about the creation, ownership, and copyright registration of the Hotel Photographs. I reside full-  
18 time in Singapore. Travel to San Francisco is far more convenient and considerably less  
19 expensive for me than travel to New York.

20           5.       I expect that two former Wave Studio employees, Ms. Wei Wei, Gwee and Mr.  
21 See Kong, Lim, will provide testimony at trial in this litigation regarding the creation and  
22 ownership of certain of the Hotel Photographs. Ms. Wei Wei, Gwee resides full time in  
23 Singapore. Mr. See Kong, Lim is a resident of Singapore. On information and belief, Mr. See  
24 Kong, Lim currently resides in Thailand. Travel to San Francisco is far more convenient and  
25 considerably less expensive for both Ms. Wei Wei, Gwee and Mr. See Kong, Lim than travel to  
26 New York.

1           6. I also expect that former Wave Studio freelance digital artist Mr. Wing Kheong,  
2 Cheong will provide testimony at trial in this litigation regarding the development of marketing  
3 materials incorporating the Hotel Photographs. Mr. Wing Kheong, Cheong resides full time in  
4 Singapore. Travel to San Francisco is far more convenient and considerably less expensive for  
5 Mr. Wing Kheong, Cheong than travel to New York.

6           7. I am aware of no evidence relating this litigation to the action currently pending  
7 in the Southern District of New York, *The Wave Studio, LLC v. General Hotel Management*  
8 *Ltd., et al.*, Case No. 7:13-cv-09239 (S.D.N.Y.) (the “New York Action”). The New York  
9 Action involves entirely different defendants. Further, a number of the Hotel Photographs at  
10 issue in this litigation are not at issue in the New York Action.

11           8. This litigation is also unrelated to the New York Action Defendant General Hotel  
12 Management, Ltd. (“GHM”). I am not aware of any evidence connecting GHM with the  
13 distribution of any of the Hotel Photographs in this action. As I understand it, several of the  
14 properties involved in this action stopped working with GHM a number of years ago. Therefore,  
15 it is unlikely that GHM was the source of these photographs. Much more likely, on information  
16 and belief, Defendants in this action obtained the Hotel Photographs at issue from third party  
17 sources on the Internet.

18           9. In addition, I am aware of evidence suggesting that GHM did not distribute and  
19 would not have distributed certain of the Hotel Photographs. Specifically, at least two of the  
20 Hotel Photographs infringed by potential Defendant Visa in 2012 are unpublished photographs  
21 of The Setai Miami. On information and belief, Visa may have obtained these photographs  
22 directly from The Setai Miami. These Hotel Photographs were never given to GHM, so it never  
23 had access to these unpublished photographs. Thus, in addition to the fact that GHM is unlikely  
24 to have provided Visa with photographs of hotels it was no longer managing, on information and  
25 belief, GHM did not have access to these unpublished photographs to provide them to Visa, and  
26 Visa received these photographs directly from The Setai Miami.

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5 I declare under penalty of perjury under the laws of the State of California that the

6 foregoing is true and correct to the best of my knowledge. Executed this 19th day of September

7 2014, at the Republic of Singapore.

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15 By: 

16 Junior Lee

17 Owner, Founder, and CEO

18 THE WAVE STUDIO, LLC

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